IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.10206 OF 2004

Archana Chandrakant Jadhav. ...
Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. A.S. Khandeparkar for the Petitioner.
Mr. A. H. Palekar, AGP for the Respondents.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

May 4, 2005.

P.C.:

Section 14 of the Bombay Village Panchayats Act, 1958, provides that no person shall be a member of a Panchayat or continue as such if any of the disqualifications contained therein are attracted. One of the disqualifications which is contained in clause (h) is that a person has failed to pay any tax or fee due to the Panchayat or the Zilla Parishad within three months from the date on which the amount of tax or fee is demanded and a bill for the purpose is duly served on him. Section 16 provides inter alia, that a member of a Panchayat who incurs a disqualification under

Section 14, shall be disabled from continuing to be a member, and his office shall become vacant. In the present case, the record has been produced before the Court in pursuance of an interim direction dated 23rd December 2004. The record contains a bill on account of property taxes for the year 2003-04 dated 1st April 2003. The bill was admittedly served on the Petitioner on 25th June 2003 and the bill bears the acknowledgement of the Petitioner in token of acceptance. Admittedly, the bill was not paid within a period of three months upon which a disqualification under Section 14(h) stands attracted. In these circumstances, no case is made out for interference with the impugned order passed by the Additional Commissioner, Konkan Division by which he affirmed the order of the Additional Collector, Sindhudurg. The Petition is accordingly dismissed.

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